

Remarks

The following remarks are responsive to the December 18, 2007 Office Action.

Status of the Claims

Claims 1-20 are pending.

Rejections under 35 U.S.C. §§ 102(b)/103(a)

Claims 1-20 were rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over, U.S. Patent No. 4,834,903 (Roth).

Roth relates to alkylene oxide adducts of glycoside surfactants. The adducts may be prepared by reacting alkylene oxide with long chain polyglycosides. The reaction is conducted at an elevated temperature (from about 120° to about 170°C) with the aid of a base catalyst, under substantially anhydrous conditions (col. 5, lines 23-33).

For a reference to anticipate, each element of the claims must be present in the reference. Roth fails to disclose a process for the production of alkoxyated alkyl and/or alkenyl polyglycosides wherein the alkyl and/or alkenyl polyglycosides are in the form of a water-containing preparation with a water content of more than 5% by weight, based on the weight of the water-containing preparation, as in Claim 1 (from which Claims 2-20 depend).

To support a conclusion of obviousness, either (1) the reference(s) must expressly or impliedly suggest the claimed combination, or (2) the Examiner must present a convincing line of reasoning as to why a skilled worker would have found the claimed invention to have been obvious, in view of the teachings of the reference(s).

Roth teaches away from the process as claimed. As disclosed in column 5, lines 23-33, the reaction in Roth is preferably conducted under substantially anhydrous conditions, such that water, if present at all, does not exceed more than 5 (and is preferably less than 1) weight percent of the total reaction mixture. Thus, Roth fails to expressly or impliedly suggest the claimed invention, and no line of reasoning has been provided as to why one skilled in the art would have been led to include alkyl and/or

alkenyl polyglycosides in the form of a water-containing preparation with a water content of more than 5% by weight, based on the weight of the water-containing preparation. Since one skilled in the art at the time of the invention would not have found it obvious, after reading Roth, to arrive at the invention with any reasonable expectation of success, absent the benefit of Applicants' disclosure, the rejection should be withdrawn. Reconsideration and withdrawal of the rejection are respectfully requested.

Fees

A Petition for a One-Month Extension of Time and requisite fee are enclosed. No additional fees are believed due. The Commissioner is authorized, however, to charge any fees deemed due (or credit any balance owing) to Deposit Account No. 50-1177.

Conclusion

It is respectfully submitted that Claims 1-20 are in condition for allowance. A Notice of Allowance is respectfully requested. If anything further is needed to advance the allowance of this application, the Examiner is requested to contact Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

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Date

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